## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	)
Plaintiff,	) 8:05CR292 )
vs.	) DETENTION ORDER
ARTHUR A. MARR,	)
Defendant.	)
	g pursuant to 18 U.S.C. § 3142(f) of the Bail Reform ourt orders the above-named defendant detained d (i).
will reasonably assure the ap  X By clear and convincing evide	
which was contained in the Pretrial S  _X (1) Nature and circumstance _X (a) The crime: Three violation of 18 U.S & (c) carries a ma with a dangerous 113(a)(3) carries simple assault (Co a maximum sente assault on a law U.S.C. §§ 1152, maximum senten _X (b) The offense is a c (c) The offense involv (d) The offense involv (d) The offense involv (2) The weight of the eviden _X (3) The history and characte (a) General Factors: _X The defenda The defenda X The defenda	eatening to commit crime of violence (Count I) in S.C. §§ 1152, 13, 7 and Neb. R.S. § 28-311.01(1)(a) eximum sentence of five years imprisonment; assault as weapon (Count II) in violation of 18 U.S.C. § a maximum sentence of ten years imprisonment; count III) in violation of 18 U.S.C. § 113(a)(5) carries ence of six month imprisonment; and the attempted enforcement officer (Count IV) in violation of 18 13, 7, and Neb. R.S. §§ 28-201 and 930 carries a nace of 5 years imprisonment.  Crime of violence.  Ives a narcotic drug.  Ives a large amount of controlled substances, to wit:  Ince against the defendant is high.  Eristics of the defendant including:

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		(b)	<ul> <li>X Past conduct of the defendant: the defendant has a history of combative behavior with law enforcement officers.</li> <li>X The defendant has a history relating to drug abuse.</li> <li>X The defendant has a history relating to alcohol abuse.</li> <li>X The defendant has a significant prior criminal record.</li> <li>X The defendant has a prior record of failure to appear at court proceedings.</li> <li>At the time of the current arrest, the defendant was on:</li> <li>X Probation - Omaha Tribal Court Parole</li> </ul>
			Release pending trial, sentence, appeal or completion of sentence.
		(c)	Other Factors: The defendant is an illegal alien and is subject to deportation The defendant is a legal alien and will be subject to deportation if convicted The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
_X_	(4)	are as	ature and seriousness of the danger posed by the defendant's release s follows: The nature of the charges in the Indictment, the defendant's ance abuse history, and the defendant's history of combative behavior d law enforcement officers and others.
X	(5)		ttable Presumptions
		the fo	ermining that the defendant should be detained, the Court also relied on llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
	<u>X</u>		the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
			<ul><li>X (1) A crime of violence; or</li><li>(2) An offense for which the maximum penalty is life</li></ul>
			imprisonment or death; or (3) A controlled substance violation which has a maximum
			penalty of 10 years or more; or
			(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
		_ (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to
			believe:(1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if

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committed by the use of a deadly or dangerous weapon or device).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 6, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge